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SOCI, KISL, ML
SUBJECT: NATIONAL ASSEMBLY RATIFIES TERRORISM LAW BUT
POSTPONES VOTES ON COTTON PRIVATIZATION AND THE DEATH
PENALTY

REF: A. 07 BAMAKO 01336
[B. BAMAKO 00574](#)
[C. BAMAKO 00263](#)
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1.(SBU) On July 5, the final day of the National Assembly's first three-month session for 2008, National Assembly Deputies ratified a law criminalizing acts of terrorism in Mali. The vote for ratification was unanimous. In addition to defining terrorism, the law prescribes punishment ranging from various terms of imprisonment to death for committing or financing terrorist acts. The terrorism legislation has been pending before the Assembly since 2007. Its approval was delayed in part due to sensitivities involved in passing a terrorism law while the Malian government was in the process of negotiating a settlement with the Tuareg bandit turned rebel Ibrahim Bahanga. The Assembly tabled two other controversial measures: a proposal by President Amadou Toumani Toure to abolish the death penalty in Mali; and a law finalizing the privatization of the Mali's cotton parastatal. While the failure to bring the death penalty and cotton privatization bills to a vote marked a significant defeat for President Toure, it highlighted the National Assembly's independence from Mali's executive branch. End Summary.

Mali's Anti-Terrorism Law

2.(U) On the last day of its three-month session the Malian National Assembly unanimously voted to ratify an anti-terrorism bill that has languished on the Assembly floor for nearly a year. The text must now be signed by the President of the National Assembly and then forwarded for the approval of President Amadou Toumani Toure. The legislation, which was approved by the Malian Government's Council of Ministers and forwarded to the Assembly for debate in September 2007, defines terrorism and outlines penalties for committing or financing terrorist acts in Mali. Mali's criminal code previously included no references to terrorism. The new law defines terrorism as "the commission of a violent act that causes or could cause death, injury or material harm with the intention of intimidating the population or forcing a government to do or abstain from doing something." Potential acts of terrorism include hijacking or compromising the security of an aircraft, boat or vehicle; hostage taking; the kidnapping or murder of individuals; the use of explosives or dangerous substances to inflict material or bodily harm; the acquisition and illegal usage of nuclear material; the possession or transportation of weapons of war; and the financing of terrorist acts.

3.(U) In forwarding the anti-terrorism legislation to the National Assembly floor for ratification, the Assembly's Committee for National Defense, Security and Civil Protection urged Assembly Deputies take into account "the acts of

violence and terror that Mali has experienced over the years." To jog fellow Deputies' memories, the Committee referenced several recent incidents on Malian soil including "German tourists taken hostage in Algeria", a hunting party of Qatari nationals that was briefly taken hostage along the Mali-Mauritania frontier north of Timbuktu in 2004 and the laying of anti-personnel land mines in the northern town of Tinzawaten by the Tuareg bandit/rebel Ibrahim Bahanga. It was not clear whether the reference to "German tourists" referred to the group of Germans captured by the Salafist Group for Preaching and Combat (GSPC) in 2003, the two Austrian citizens currently held by AQIM, or both. The National Defense Committee noted that while Mali's criminal code currently deals "severely" with criminal acts, "terrorist infractions are not specifically mentioned." The new anti-terrorism legislation aims to close this loophole.

4.(SBU) By drawing attention to Bahanga's use of land mines in Tinzawaten, the Assembly's National Defense Committee zeroed in on the most sensitive aspect of the anti-terrorism bill and the topic that has generated the most debate: the law's impact on the status of Tuareg rebels and on going negotiations between the Malian government and Tuareg rebel leaders. Bahanga and the Tuareg rebel Alliance for Democracy and Change (ADC) are currently holding between them approximately 80 Malian soldiers as, depending on one's point of view, either hostages or prisoners of war. This fact would seemingly enable Mali to charge the soldiers' Tuareg captors under the new anti-terrorism legislation. The Malian government, however, continues to pursue a negotiated - as opposed to a military or legal - solution to the Tuareg crisis and there seems to be enough wiggle room within the

* Missing Section 002 *

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